

STEVEN M. WOODSIDE, COUNTY COUNSEL  
Brian Charles Case SBN 254218  
3501 Civic Center Drive, Room 275  
San Rafael, CA 94903  
Tel.: (415) 473-6117, Fax: (415) 473-3796  
Attorney(s) for County of Marin (a.k.a. Marin County District Attorney's Office)  
and Deputy District Attorney Andres H. Perez

CHARLES J. MCKEE, COUNTY COUNSEL  
William Merrill Litt SBN 166614  
168 W Alisal Street, 3<sup>rd</sup> Floor  
Salinas, CA 93901  
Tel.: (831) 755-5045, Fax: (831) 755-5283  
  
Attorney(s) for County of Monterey (a.k.a. Monterey County District Attorney's Office)  
and Deputy District Attorney John Hubanks

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NATIONWIDE BIWEEKLY  
ADMINISTRATION, INC., an Ohio Corporation;  
LOAN PAYMENT ADMINISTRATION LLC, an  
Ohio limited liability company; and DANIEL S.  
LIPSKY, an individual;  
Plaintiffs,

v.

JOHN F. HUBANKS, Deputy District Attorney,  
Monterey County District Attorney's Office, in his  
official capacity; ANDRES H. PEREZ, Deputy  
District Attorney, Marin County District Attorney's  
Office, in his official capacity; MONTEREY  
COUNTY DISTRICT ATTORNEY'S OFFICE, a  
County Agency; and MARIN COUNTY  
DISTRICT ATTORNEY'S OFFICE, a County  
agency,

Defendants.

Case No.: 14-cv-04420-LHK

**DEFENDANTS' JOINT REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
OPPOSITION TO MOTION FOR  
PRELIMINARY INJUNCTION AND IN  
SUPPORT OF MOTION TO DISMISS**

Defendants County of Marin, County of Monterey, Deputy District Attorney Hubanks, and Deputy District Attorney Perez, by and through their attorneys, hereby request the Court to take judicial notice, pursuant to Federal Rule of Evidence 201, of the following:

1. Exhibit A: “Overview of BBB Grade,” available at <http://www.bbb.org/council/overview-of-bbb-grade/> (last visited December 26, 2014).
2. Exhibit B: Sen. Jud. Com., Analysis of Sen. Bill No. 1150 (2003-2004 Reg. Sess.) April 21, 2014, pages 1-8.

Defendants also hereby request the Court to take judicial notice, pursuant to Federal Rule of Evidence 201, of the following:

1. Exhibit C to Declaration of John F. Hubanks, filed with this Court December 30, 2014: public document filed in Court in Greene County, Ohio, regarding Case No. 2008 CV 0578
2. Exhibit D to the Declaration of John F. Hubanks, filed with this Court December 30, 2014: public document filed in Court in the State of New Hampshire, regarding Case No. 08-241; and “Section 384.67: Unauthorized and Deceptive Use” available at <http://www.gencourt.state.nh.us/ras/html/XXXV/384/384-67.htm> (last accessed December 26, 2014)
3. Exhibit E to the Declaration of John F. Hubanks, filed with this Court December 30, 2014: public document filed in Court in the State of Georgia, regarding Docket No. DBF-MBL-12-0012.
4. Exhibit G to the Declaration of John F. Hubanks, filed with this Court December 30, 2014: public document filed in Court in the State of Washington, regarding Docket No. C-13-1195-14-CO01.
5. Exhibit H to the Declaration of John F. Hubanks : Opinion and Order of U.S. District Court, Eastern District of Michigan, *Quicken Loans Inc. v. Nationwide Biweekly Administration Inc, et al.*, Case No. 13-13431

The Court may take judicial notice of matters that are either (1) generally known within the trial court’s territorial jurisdiction or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b). Proper subjects of judicial notice when ruling on a motion to dismiss include **legislative history reports**,

1 *see Anderson v. Holder*, 673 F.3d 1089, 1094, n.1 (9th Cir. 2012); court documents already in the  
2 public record and documents filed in other courts, *see Holder v. Holder*, 305 F.3d 854, 866 (9<sup>th</sup> Cir.  
3 2002); **and publically accessible websites**, *see Caldwell v. Caldwell*, 2006 WL 618511, at \*4  
4 (N.D. Cal. Mar. 13, 2006); *Wible v. Aetna Life Ins. Co.*, 375 F. Supp. 2d 956, 965–66 (C.D. Cal.  
5 2005).

6 For the foregoing reasons, the Marin County Defendants respectfully request that the Court grant  
7 the Defendants’ Request for Judicial Notice.

8 Dated: December 30, 2014.

CHARLES J. McKEE, COUNTY COUNSEL

9  
10 By: /s/ William Litt  
11 WILLIAM M. LITT  
12 Deputy County Counsel  
13 Attorneys for Defendants JOHN F. HUBANKS  
and the COUNTY OF MONTEREY

14 Dated: December 30, 2014.

STEVEN M. WOODSIDE, COUNTY COUNSEL

15  
16 By: /s/ Brian Case  
17 BRIAN C. CASE  
18 Deputy County Counsel  
19 Attorneys for Defendants Andres H. Perez and  
20 the COUNTY OF MARIN  
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